

REMARKS

The Examiner's communication dated January 13, 2005 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1, 6 and 14 have been amended and detailed arguments in support of patentability of all claims have been included. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

Claims 1, 4, 6, 8, 10, 14-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilliland (U.S. Patent No. 5,540,371) in view of "the Applicant's disclosure page 1, lines 15+."

Claims 2, 3, 5, 7, 9, 17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilliland in view of "the applicant's disclosed prior art of Figure 5."

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilliland in view of Blank et al. (U.S. Patent No. 6,427,894).

The Claims Distinguish Patentability Over the Reference(s) of Record

Claim 1, as amended, calls for a drive roller on each of two roller supports to include an outer surface that defines a groove having an included angle between a pair of intersecting walls defining the groove that is about thirty degrees (30°) or greater and less than ninety degrees (90°). As indicated in the preceding section, original claim 1 was rejected by the Examiner as being unpatentable over Gilliland in view of specified portions of the Applicant's disclosure. The Examiner asserted that Gilliland disclosed a drive roller including an outer surface extending circumferentially about a corresponding axis that defines a groove 35 having an included angle of [sic, less] than 90 degrees, citing FIGURE 3B and Col. 6, lines 48-59 of Gilliland.

Applicant respectfully asserts that Gilliland discloses a groove 35 defined in a drive roller 32 that is a flat-bottomed V-shaped groove with an inward taper of four degrees (4°) on each wall. (Col. 6, lines 51-53). Thus, Applicant asserts that Gilliland fails to disclose the claim limitations of amended claim 1. Specifically, Gilliland fails to disclose a pair of intersecting wall defining the groove. Moreover, Gilliland fails to

disclose a pair of intersecting walls defining a groove that is between about thirty degrees (30°) or greater and less than ninety degrees (90°). Accordingly, Applicant submits that claim 1 and claims 2-5 dependent therefrom distinguish patentably over the references of record.

Claim 2 calls for the included angle of claim 1 to be about thirty to about sixty degrees (30° - 60°). Dependent claim 2 was originally rejected by the Examiner as indicated above. The Examiner asserted that prior art FIGURE 5 of Applicant's disclosure taught a groove extending circumferentially around a drive roller for compressibly contacting the length of wire, wherein the groove has an included angle of sixty degrees (60°). Further, the Examiner asserted that it would have been obvious to one of ordinary skill in the art to modify the included angle of the circumferential groove of Gilliland to include an included angle of sixty degrees (60°) to decrease the compressive forces of the wire. Applicant respectfully disagrees.

Contrary to the Examiner's assertion, FIGURE 5 of Applicant's specification discloses a pair of drive rollers wherein a first drive roller has a groove and a second drive roller is relatively flat. Thus, only one of the drive rollers in FIGURE 5 includes a groove. Whereas Gilliland discloses a pair of drive rollers each having a groove, Gilliland does not disclose either of the grooves having included angles of about thirty to about sixty degrees (30° - 60°). Rather, the angle between the walls in Gilliland appears to be eight degrees (8°). Moreover, such angle is not even described as an included angle, but is merely a slight tapering of the side walls of a flat bottomed V-shaped groove.

Still further, Applicant asserts that one skilled in the art would not be motivated to combine the teachings of Gilliland with FIGURE 5 of Applicant's disclosure. The Examiner has provided no reference, or other evidence to support his conclusion that it would be obvious to one skilled in the art to modify Gilliland with FIGURE 5. Applicant asserts that the Examiner has impermissibly concluded that claim 2 is obvious in view of a combination of Gilliland and FIGURE 5 of Applicant's disclosure without any legitimate support on the record and respectfully requests that, in accordance with the obligations imposed under MPEP § 2144.03 (should a rejection of amended claim 2 be maintained), the Examiner provide a reference of other suitable evidence showing that one skilled in the art would be motivated to modify the teachings of Gilliland with the teachings of FIGURE 5.

As the Examiner is aware, a *prima facie* case of obviousness is not established absent proper motivation. Simply because the drive roller of Gilliland could be modified to include a pair of grooves such as the single groove shown in FIGURE 5, motivation to modify Gilliland to meet the limitations of amended claim 2 is not formed. Moreover, accordingly to MPEP § 2144.01, the "fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness." Merely because the claimed elements are individually found in the prior art, it does not necessarily follow that it would be obvious to combine the elements from different prior art references. See MPEP § 2141.01 citing *Ex parte Levengood*, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993). Consequently, absent a motivation to combine and modify Gilliland with FIGURE 5 of Applicant's disclosure, it is irrelevant that the elements and/or limitations may be individually or separately known in the prior art. Clearly, the Examiner is motivated to combine these teachings for no other reason than to arrive at the claimed invention of original claim 2. This is a classic example of impermissible hindsight.

Accordingly, in addition to depending from claim 1, which is argued to be patentably distinct over the references of record, claim 2 is further patentably distinct over the references of record for the reasons discussed herein.

Claim 6 calls for a first drive roller to include a first drive roller groove extending circumferentially therearound and having a first drive roller included angle of at least about thirty degrees (30°) and less than ninety degrees (90°). Further, claim 6 calls for a second drive roller to include a second drive roller groove extending circumferentially therearound and a having a second drive roller included angle of at least about thirty degrees (30°) and less than ninety degrees (90°). The Examiner asserted that original claim 6 was taught by the combination of Gilliland and by Applicant's disclosure on page 1, lines 15+.

Applicant respectfully submits that amended claim 6 is patentably distinct over the references of record. More particularly, as already discussed herein, Gilliland discloses a drive roll arrangement wherein two opposed drive rollers have opposed grooves which are flat bottomed V-shaped grooves. The side walls of these flat bottomed V-shaped grooves are said to include a four degree taper. Thus, there is no disclosure of included angle in the drive rollers being at least about thirty degrees (30°) and less than ninety degrees (90°). Accordingly, for at least this reason, claim 6 and claims 7-13 dependent therefrom distinguish patentably over the references of record.

Amended **claim 14** calls for first and second drive rollers to each include an outer surface extending circumferentially therearound, which has a first side wall and a second side wall extending radially thereinto that together define a groove. Amended claim 14 further calls for the first side wall to intersect the second side wall and to be oriented at an angle less than ninety degrees (90°) relative to the second side wall. Original claim 14 was rejected over Gilliland in view of Applicant's disclosure on page 1, lines 15+. Applicant respectfully submits that amended claim 14 distinguishes patentably over this combination. More particularly, Gilliland fails to disclose a drive roller having a groove wherein two side walls intersect one another and are oriented at an angle of less than ninety degrees (90°) relative to one another. Accordingly, for at least this reason, claim 14 and claims 15-20 dependent therefrom are in condition for allowance.


CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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April 13, 2005
Date

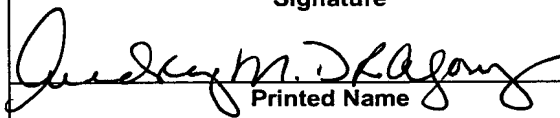

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